

**Non-Fatal Officer Involved Shooting of
Tracy Heather Zimberg
Long Beach Police Department**

Officer Brian Ivers, #11511

J.S.I.D. File #24-0214



NATHAN J. HOCHMAN

District Attorney

Justice System Integrity Division

January 8, 2026

MEMORANDUM

TO: CHIEF WALLY HEBEISH
Long Beach Police Department
400 West Broadway
Long Beach, California 90802

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Non-Fatal Officer Involved Shooting of Tracy Heather Zimberg
J.S.I.D. File #24-0214
L.B.P.D. File #24-0030033

DATE: January 8, 2026

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 16, 2024, non-fatal shooting of Tracy Heather Zimberg by Long Beach Police Department (LBPB) Officer Brian Ivers. We conclude Ivers acted in lawful self-defense at the time he fired his service weapon, reasonably believing based on the totality of the circumstances that deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of the shooting at 1:52 a.m. on June 17, 2024. The District Attorney Response Team was given a briefing and walk-through of the scene by LBPB Sergeant Robert Trout.

The following analysis is based on body worn camera video (BWV), investigative reports, audio recordings of witness interviews, crime scene photographs, and the 9-1-1 recording submitted to this office by LBPB Detective Eric Thai on July 25, 2025. Ivers provided a voluntary statement which was considered in this analysis.

INTRODUCTION

On June 16, 2024, LBPB officers were dispatched to an apartment building regarding a "person with a gun" call.¹ Officers responded to the location and observed Tracy Zimberg holding an apartment security guard at gunpoint. The weapon was later determined to be a replica firearm capable of firing metal BBs.

Despite the officers' orders to drop the weapon, Zimberg failed to do so and retreated into her apartment. Zimberg cracked the front door open and pointed the weapon at officers, who were exposed in the hallway of the apartment building.

Ivers fired his service weapon four consecutive times at Zimberg, who retreated into her apartment. SWAT officers were called and took Zimberg into custody when she surrendered.

¹ Officers were dressed in LBPB uniforms, clearly identifying them as police officers.

She was transported to the hospital and treated for her injuries. Officers obtained a search warrant and later recovered the replica handgun Zimberg pointed at the officers.²

FACTUAL ANALYSIS

At approximately 8:55 p.m. on June 16, 2024, LBPD officers were dispatched to an apartment building on Long Beach Avenue regarding a “person with a gun a call.” The 9-1-1 caller told the dispatch operator, “She’s got a gun!” The caller said “Tracy” pointed a “black gun” at her and yelled, “I can shoot you right now!” The caller was unsure if the handgun was real or a replica.

Ivers responded to the location at 8:59 p.m., and Officer Alejandro Santos arrived two minutes later. They ascended to the third floor of the apartment building. Ivers indicated in his report, both he and Santos were concerned for the safety of the apartment residents due to the building being so “densely populated.”

The dispatch notes Ivers received from communications indicated Zimberg pointed the gun at the 9-1-1 caller, and had a prior history of threatening to shoot officers. The dispatch notes also indicated someone shouted, “She’s got a gun!” Zimberg was reported to be yelling, “I can shoot you right now!” and “King Jesus!” Ivers believed Zimberg may have been under the influence of drugs or was suffering from mental health issues.

Officer Leslie Castillo responded to assist and immediately recognized Zimberg’s address as the location of multiple prior calls for service.³ Leslie wrote, “Several residents of the apartment complex have called LBPD due to the frustration of [Zimberg] screaming and yelling. I was notified there was an eviction process in progress.”⁴

When Ivers and Santos reached the third floor of the apartment building, they approached Zimberg’s apartment through a long, narrow, well-lit hallway. When they were approximately 60 yards away from the end of the hallway, they saw Zimberg and ■■■ standing against the wall near Zimberg’s apartment door. ■■■ was dressed in a private security guard uniform.

Ivers wrote Zimberg matched the description of the suspect provided by dispatch, however, he could not see whether she was holding a firearm. Ivers and Santos moved down the hallway, closer to Zimberg. Ivers wrote, when they were approximately 30 yards away, he could see the slide of a black handgun in Zimberg’s right hand.

² Zimberg was charged in case 24LBCF00784, with six felonies. Count 1: Penal Code section 211, second degree robbery; Count 2: Penal Code section 245(a)(1), assault with a deadly weapon; Count 3: Penal Code section 245(c), assault on a peace officer; Count 4: Penal Code section 245(c), assault on a peace officer; Count 5: Penal Code section 245(c), assault on a peace officer; and Count 6: Penal Code section 69, resisting an executive officer. The defendant is pending a restoration of competency hearing.

³ LBPD officers responded to approximately 40 calls for service at Zimberg’s apartment between the dates of August 26, 2021, and June 16, 2024. Zimberg made many of the calls, reporting her electronics were being bugged and people were trying to kill her.

⁴ LBPD detectives spoke to the property manager of the apartment who told them Los Angeles Sheriff’s Department deputies attempted to evict Zimberg on May 8, 2024. The property manager said management has been working on evicting Zimberg “as far back as October or November 2023.”

The BWV, time stamped at 9:04 p.m., recorded Ivers' saying, "Oh Shit!" upon seeing Zimberg holding what appears to be a gun in her hand. Ivers' report states he realized the immediate threat Zimberg posed to █████ at that time. As captured on the BWV, Santos can be heard asking Ivers, "Is that a gun?" to which Ivers responds, "Yeah! That's a gun!" (Figure 1)

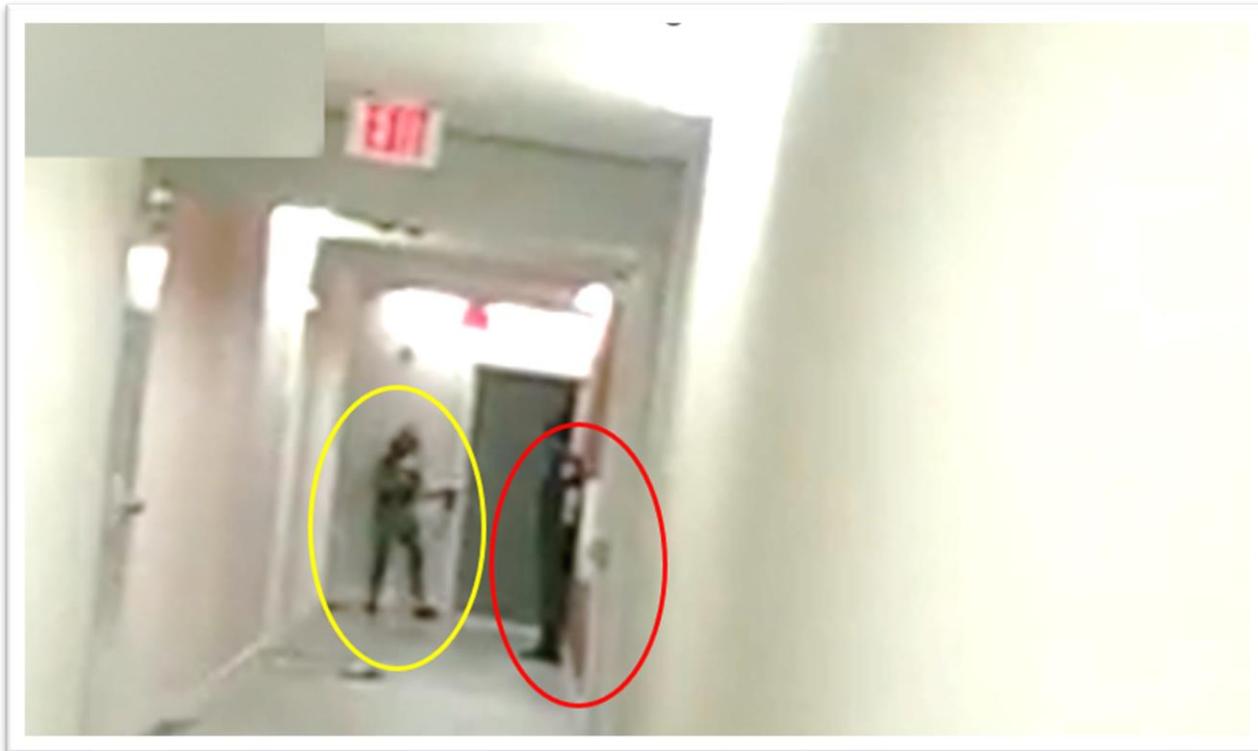


Figure 1: Ivers' BWV depicts Zimberg (yellow circle) holding a gun in her right hand while pointing it at █████

Having no cover in the hallway, Ivers and Santos drew their service weapons and moved down the hallway closer to Zimberg and █████. Ivers wrote he and Santos moved quickly towards Zimberg and told her, "Stop! Put it down!" Ivers wrote they were too far away to safely discharge their weapons because of █████'s proximity to Zimberg. Ivers described █████ as appearing terrified and attempting to move towards the officers as they moved towards him.

Ivers wrote he observed Zimberg look in their direction, then quickly move towards her apartment, open the door, and go inside. Ivers kept his firearm pointed towards Zimberg's front door while he used his body to shield █████ until █████ had moved to safety.

Ivers heard Castillo questioning █████ █████ said, "She had the gun pointed to my head and she said she was going to kill me!" █████ was speaking rapidly and appeared "terrified and panic stricken." Ivers heard Santos inform dispatch Zimberg had attempted to take █████ hostage.

While Castillo was questioning █████, Ivers heard numerous other tenants speaking outside their apartments. Ivers saw several bystanders in the area and was immediately concerned for their safety. He heard noises from inside Zimberg's apartment and ordered the bystanders to go inside their apartments. Ivers yelled at Zimberg, "Long Beach Police Department! Exit with your hands up!"

The door to Zimberg's apartment cracked open a few inches. Ivers wrote he could see the lights in the apartment were turned off. Officer Vincent Fasullo, who was also present in the hallway, wrote he and Ivers used the mounted lights on their service weapons to illuminate Zimberg's apartment.

Ivers wrote, "I realized [Zimberg] was using the door to shield her body . . . Only [Zimberg's] left hand and part of her left arm were visible through the crack of the door frame as she pointed the gun directly at me . . . [Zimberg] had a position of advantage hiding behind the door whereas I was largely exposed in the hallway." (*Figure 2*)



Figure 2: Ivers' BWV depicting Zimberg cracking open her front door and pointing her gun (yellow circle) at the officers.

Fasullo reported, "While we were making our commands [for Zimberg to put her hands up] I observed [Zimberg] point a black semi-automatic pistol . . . at Officer Ivers, Officer Santos, and I." Ivers wrote he believed Zimberg intended to kill him when he fired four rounds from his service weapon. Zimberg pulled her hand back inside and closed the door. Ivers wrote, "I stopped discharging my firearm because she no longer posed an imminent threat to my life, the lives of other officers on the scene, and █████."

Fasullo notified communications an officer involved shooting had occurred. Bystanders came out of their apartments and were ordered to go back inside. At approximately 9:22 p.m., SWAT officers were called to extricate Zimberg from her apartment.

SWAT officers and hostage negotiators attempted to facilitate a peaceful surrender by Zimberg. When Zimberg refused to comply with orders to exit, SWAT officers deployed CS gas into her

apartment.⁵ Zimberg surrendered peacefully and was arrested. She was transported to the hospital, treated for her injuries, released, and booked into custody.

Witness Statements

Immediately after being rescued, [REDACTED] told officers he works as a security officer at the building. [REDACTED] said Zimberg is the source of constant complaints by other tenants, and LBPD officers are regularly called to the building for noise complaints. [REDACTED] said the apartment management had begun eviction proceedings to evict Zimberg from her apartment.

At approximately 9:00 p.m., he was conducting a foot patrol of the apartment building when he was approached by a tenant who told him Zimberg was causing a disturbance.

[REDACTED] observed Zimberg sitting on the ground outside her apartment with a small dog in her lap. Zimberg asked [REDACTED] for the key to her apartment. When he told her he did not have a key to her apartment, she said, "You're lying" and demanded the key.

[REDACTED] checked her door and found the door unlocked and unable to be locked. [REDACTED] observed Zimberg grabbing a firearm lying next to her, then pointing it at his forehead, telling him, "Empty your pockets!" [REDACTED] said he was in fear for his life and emptied his pockets, throwing the contents on the floor.

[REDACTED] said Zimberg held the firearm to his forehead for approximately 15 minutes. [REDACTED] said Zimberg repeatedly told him, "I'm going to kill you!" [REDACTED] said he believed her and feared for his life. Zimberg also told him, "I'm the chief of police, I own this building and the one next to it."

[REDACTED] said when residents looked outside their units, Zimberg pointed the gun at them. Zimberg told [REDACTED], "I don't care if you give me the key, I'm going to kill you still."

When LBPD officers arrived, [REDACTED] said he wanted to run to the officers, but he feared Zimberg would shoot him if he moved. He heard the LBPD officers yell at Zimberg to drop the gun and saw her immediately run into her apartment with the firearm in one hand and the dog in the other.

Forensic Evidence

The Replica Handgun

Zimberg was armed with a black Crosman C-11 BB gun. The BB gun was recovered from inside Zimberg's apartment after officers obtained a search warrant. The BB gun utilizes a 12-gram CO2 cartridge and fires 4.5mm BBs from a removable magazine. The weapon did not have any distinguishing marks identifying it as a replica gun. (*Figure 3*)

⁵ CS gas is a non-lethal weapon which causes a burning sensation and tearing of the eyes, nose, and throat when sprayed.



Figure 3: Zimberg's replica handgun with the grip and magazine removed by LBPD investigators.

Ballistics

Ivers was armed with a Glock 34 Gen 5 duty weapon. During the incident, he fired four 9mm rounds at Zimberg when she cracked open her front door and pointed the replica gun at him.

LEGAL ANALYSIS

The Law

A peace officer is justified in using deadly force when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (1) to defend against an imminent threat of death or serious bodily injury to the officer or another person; or (2) to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Penal Code section 835a(c)(1)(A) &(B).

Deadly force shall be used "only when necessary in defense of human life," and officers "shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer." Penal Code section 835a(a)(2).

"A threat of death or serious bodily injury is 'imminent' when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future

harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.” Penal Code section 835a(e)(2).

When considering the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force, are taken into consideration. Penal Code section 835a(a)(4) and (e)(3). The peace officer’s decision to use force is not evaluated with the benefit of hindsight and shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)(4).

Mistake of fact is a defense to assault with a deadly weapon when an officer’s belief is both actual and reasonable. CALCRIM No. 3406. The court must instruct on the defense of mistake of fact where there is substantial evidence supporting the defense. In the instant case, the officers mistakenly believed Zimberg held █████ at gunpoint and was pointing a firearm at them. █████ also believed the handgun was real, corroborating the officers’ perception.

Fasullo also believed it was a real gun and described the weapon in Zimberg’s hand as a “black semi-automatic pistol.”

Despite officers having their weapons drawn and giving multiple orders to Zimberg to drop the weapon, she refused. When Zimberg opened her front door and pointed the weapon directly at the officers from inside her apartment, she posed what appeared to be an imminent threat of death or great bodily harm to the officers who stood in the exposed hallway.

The officers’ fear was reasonable given the circumstances. Their location in the hallway, caused them to be at risk of being struck by bullets. They also feared for the safety of the tenants who had come out of their apartments. Their fear the weapon was a firearm was justifiable because the weapon had no distinguishing marks identifying it as a replica weapon. Further, Zimberg had threatened to shoot █████ and others with the gun, lending credence to their belief she had a firearm.

The evidence demonstrates Ivers was reasonable in believing deadly force was necessary to defend against an apparent imminent threat of death or serious bodily injury to himself and others. The fact the weapon brandished by Zimberg was later discovered to be a BB gun does not alter this conclusion.

CONCLUSION

For the foregoing reasons, we find Officer Ivers acted lawfully in self-defense and the defense of others when he used deadly force against Tracy Zimberg.